

SENATE RESOLUTION 61

By Niceley

A RESOLUTION to urge the Speaker of House and House Chief Clerk of the U.S. House of Representatives to return to Tennessee a report from the Tennessee Bureau of Investigation on the Martin Luther King assassination known as "MLK Document 200472" that was submitted to the U.S. House Select Committee on Assassinations in 1976.

WHEREAS, the assassination of Rev. Martin Luther King, Jr. on April 4, 1968 in Memphis was the most infamous crime ever committed in Tennessee; and

WHEREAS, James Earl Ray pleaded guilty to the crime of murder in regards to the King assassination and was sentenced to 99-years in the Tennessee penal system on March 10, 1969; and

WHEREAS, Ray renounced and recanted his guilty plea only three days later; and

WHEREAS, Ray maintained his innocence for the next twenty-nine years until his death at Riverbend Maximum Security Prison in Nashville on April 23, 1998; and

WHEREAS, Harry S. Avery was Commissioner of Corrections at the time Ray was received at the main prison in Nashville on March 11, 1969; and

WHEREAS, Commissioner Avery had been an arson investigator for thirty years prior to his appointment as commissioner, commenced his own investigation of the assassination of Rev. King; and

WHEREAS, Governor Buford Ellington ordered Avery to stop his investigation; and

WHEREAS, Avery persisted in his investigation and Gov. Ellington ordered the Tennessee Bureau of Investigation (TBI) to interview Avery and review the documents he had collected in an evidence file for the purpose of submitting a written report to the governor; and

WHEREAS, said TBI report was completed and submitted to the governor on or about May 20, 1969, and became part of the Ellington Papers turned over to the Tennessee State Library and Archives (TSLA) when Gov. Ellington completed his term of office on or about January 16, 1971; and

WHEREAS, the U.S. House of Representatives in the Ninety-fourth Congress enabled the House Select Committee on Assassinations (HSCA) by resolution in September 1976, and requested the State of Tennessee to provide it with said TBI report (or a copy thereof) which became known to the HSCA as “MLK Document 200472”; and

WHEREAS, following the HSCA *Final Report* on January 2, 1979, the U.S. House of Representatives sealed for fifty years all HSCA documents including the TBI report labeled as “MLK Document 200472” which will remain under seal until or about the year 2029; and

WHEREAS, said TBI report is no longer present in the Ellington Papers at TSLA; and

WHEREAS, by letter dated September 10, 2010, the Honorable John J. Duncan, Jr. (Tenn-2) and by letter dated October 11, 2011, the Honorable Stephen Fincher (Tenn-8) requested the Clerk of the U.S. House of Representatives to release a copy of “MLK Document 200472” and by letter dated August 24, 2011, Tennessee Secretary of State Tre Hargett likewise requested a copy of the document in order to restore it to the Ellington Papers in TSLA; and

WHEREAS, on April 26, 2012, the Clerk of the U.S. House of Representatives, Karen Haas, in a letter to Honorable John J. Duncan, Jr. refused to release said TBI report; and

WHEREAS, as a result, the people of Tennessee are deprived of a historical document that is rightly the property of the State of Tennessee; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that we hereby urge the Speaker of the House of the U.S. House of Representatives and the Clerk of the U.S. House of Representatives to release forthwith said TBI report known as “MLK Document 200472” to Tennessee Secretary of

State Tre Hargett for the purpose of restoring State of Tennessee property to its rightful position in the Tennessee State Library and Archives.

BE IT FURTHER RESOLVED, that appropriate copies of this resolution be prepared and transmitted to the Speaker of the House of the U.S. House of Representatives and the Clerk of the U.S. House of Representatives.